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2  
3 UNITED STATES DISTRICT COURT  
4 WESTERN DISTRICT OF WASHINGTON  
5 AT TACOMA

6 UNITED STATES OF AMERICA,

7 Plaintiff,

8 v.

9 ALAI POE TAUAI,

10 Defendant.

CASE NO. CR11-83-RAJ

DETENTION ORDER RE:  
ALLEGATIONS OF VIOLATION  
OF CONDITIONS OF  
SUPERVISION

11 THIS MATTER comes on for an initial hearing on the Petition of the United States  
12 Probation Office alleging that the defendant has violated the conditions of supervision.

13 The government appears through Assistant United States Attorney, Andre  
14 Penalver.

15 The defendant appears personally and represented by counsel, Jerome Kuh.

16 The U.S. Probation Office has filed two supplemental reports in support of a  
17 petition alleging several violations of the terms and conditions of supervision, and  
the defendant has been advised of the allegation(s).

18 The court finds probable cause with regard to the allegation(s) set forth in the  
19 Supplemental Violation Reports (Dkt. 142 and 144) dated August 8, 2017  
20 (violation 5) and November 28, 2017 (violations 6 and 7). The previous Violation  
Report (violations 1-4) dated July 7, 2017 (Dkt. 135, 136) was the subject of an  
earlier hearing before the Honorable Brian Tsuchida on August 3, 2017 (minute  
entry, Dkt. 138).

21 The Court schedules a hearing on the petition concerning all violations (1-7) to be  
22 held at the time and date below set forth before Judge Richard A. Jones:

23 Date of hearing: Friday, January 5, 2018

24 Time of hearing: 3:30pm

1 IT IS ORDERED that the defendant

2     Be released on an appearance bond, subject to the terms and conditions set forth  
3 thereon.

4   X   Be detained because the defense did not overcome the rebuttable presumption  
5 that Mr. Tauai poses a danger to any person or a danger to the community. 18  
6 U.S.C. Section 3143(a)(1), Fed. R. Cr. P. 32.1(a)(6), and Fed. R. Cr. P. 46(d). The  
7 Court does not make any finding with respect to risk of flight; detention is based  
8 on risk of dangerousness to self, others, and the community. The Court reviewed  
9 the allegations and considered the arguments and information presented during the  
10 detention hearing. The Court determined that the allegations are serious and  
11 repetitive, indicating methamphetamine use, and failure to follow through with  
12 drug treatment. Methamphetamine is an addictive and destructive substance; given  
13 the history of abuse of this substance, the defendant may be a danger to himself,  
14 other individuals, and the community, by abusing methamphetamine and not  
15 participating in drug treatment. In addition, the supplemental report dated 11-28-  
16 2017 indicates that Mr. Tauai has not been participating in mental health treatment.  
17 Although the defendant has some ties to the community, he does not appear to be  
18 stable at this time. The defendant is to be delivered as ordered by the Court for  
19 further proceedings. The Court finds that the presumption was not overcome. 18  
20 U.S.C. Section 3143(a)(1), CrR 32.1(a)(6), and CrR 46(d). However, the Court  
21 notes the defendant has been employed and in the event that there are additional  
22 matters or information that should be considered by the Court regarding defendant's  
23 detention status, the parties are free to make a motion for reconsideration of the  
24 detention issue.

14 The clerks shall direct copies of this order to counsel for the United States, to counsel for  
15 the defendant, the United States Marshal and to the United States Probation Office and/or  
16 Pretrial Services Office.

17 Dated this 4 day of December, 2017.

18 

19 Theresa L. Fricke  
20 Theresa L. Fricke  
21 United States Magistrate Judge  
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